

REMARKS

Claims 1-72 are pending in the subject application.

Applicant has amended claims 1, 8, 10, 13, 17, 19, 29, 32, 33, 46, 49, 65, and 71.

These changes do not introduce any new matter.

In response to the rejection of claims 10-12 under 35 U.S.C. § 101, Applicant has amended independent claim 10 along the lines suggested by the Examiner. Accordingly, Applicant submits that claims 10-12 now define statutory subject matter under 35 U.S.C. § 101, and requests that the rejection of these claims thereunder be withdrawn.

Discussion of Claim Amendments

Applicant has amended each of independent claims 1, 8, 10, 13, 17, 19, 29, 32, 33, 46, 49, 65, and 71 along the lines suggested by the Examiner on pages 21-22 of the Office Action. In particular, Applicant has amended each of the independent claims to specify that the image data generating device and the image processing apparatus are separate from one another. Each of the independent claims also has been amended to specify that the image data is originally generated by the image data generating device.

Rejections under 35 U.S.C. § 103(a)

In the Office Action, the following obviousness rejections were entered:

- 1) the rejection of claims 1, 2, 10, 33, 34, 45, 71, and 72 under 35 U.S.C. § 103(a) as being unpatentable over *Pritchett* (U.S. Patent No. 6,147,772) in view of *Usami* (U.S. Patent No. 5,748,342);
- 2) the rejection of claims 3, 7, 19-22, 27-29, 32, 35-38, and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Pritchett* in view of *Usami* as applied against claim 1, and further in view of *Roberts* (U.S. Patent No. US 6,758,574 B1);

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- 3) the rejection of claims 4, 8, 11, 39, 46, and 48 under 35 U.S.C. § 103(a) as being unpatentable over *Pritchett* in view of *Usami* as applied against claim 1, and further in view of *Ito* (U.S. Patent No. 6,108,443);
- 4) the rejection of claims 5, 6, 9, 12, 40, 41, 43, and 47 under 35 U.S.C. § 103(a) as being unpatentable over *Pritchett*, *Usami*, and *Ito* as applied against claim 4, and further in view of *Shimazaki et al.* (U.S. Patent No. 6,043,853);
- 5) the rejection of claims 23, 30, and 42 under 35 U.S.C. § 103(a) as being unpatentable over *Pritchett* and *Usami* as applied against claim 1, in view of *Roberts* as applied against claim 3, and further in view of *Ito* as applied against claim 4;
- 6) the rejection of claims 13-15, 49, and 59-62 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the combination of *Pritchett* in view of *Usami* as applied against claim 1, and further in view of *Watanabe* (U.S. Patent No. 5,528,293);
- 7) the rejection of claims 16, 63, and 64 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Pritchett*, *Usami*, and *Watanabe* as applied against claim 13, and further in view of *Parulski et al.* (U.S. Patent No. US 6,812,961 B1);
- 8) the rejection of claims 50-53 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Pritchett*, *Usami*, and *Roberts* as applied against claim 3, and further in view of *Watanabe*;
- 9) the rejection of claims 17, 18, 54-56, 58, and 65-70 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Pritchett*, *Usami*, *Ito*, and *Shimazaki et al.* as applied against claim 5, and further in view of *Watanabe*;
- 10) the rejection of claim 57 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Pritchett*, *Usami*, *Roberts*, and *Watanabe* as applied against claim 50, and further in view of *Ito*; and

11) the rejection of claims 24-26 and 31 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Pritchett, Usami, and Roberts* as applied against claim 3, and further in view of *Ito* and *Shimazaki et al.*

Applicant submits that the amendments to the claims made herein overcome each of the above-listed rejections 1) to 11) for at least the reasons set forth by the Examiner in the Office Action (see pages 21 and 22).

In addition, with regard to the Examiner's assertion that the *Usami* reference discloses "use information" as in the claimed subject matter, Applicant respectfully traverses the Examiner's characterization of the *Usami* reference relative to the claimed subject matter. The *Usami* reference involves performing color space compression of an input image and providing a preview function for forming an image having a color appearance desired by a user. This allows a user to choose his or her desired colored image because, in many cases, colors which can be displayed on a monitor exceed the color reproduction range of an image forming apparatus.

The *Usami* reference compresses color values outside the gamut, at least, into the boundaries, and the *Usami* reference does not assume using color values outside the gamut. Further, the preview mode is made possible by an image processing apparatus when it uses a predetermined algorithm, and use information is never associated with image data. As such, the *Usami* reference does not provide any disclosure or suggestion of the claimed use information, and the technique shown in the *Usami* reference is incompatible with the claimed subject matter.

Accordingly, for at least the foregoing reasons, claims 1-72, as amended herein, are patentable under 35 U.S.C. § 103(a) over each the combinations of prior art references set forth in the above-listed rejections 1) to 11).

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1-72, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP004).

Respectfully submitted,
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